



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,064	08/25/2005	Kiyoaki Takiguchi	450100-04953	6141

7590 02/04/2008
William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

CROSLAND, DONNIE L

ART UNIT	PAPER NUMBER
----------	--------------

2612

MAIL DATE	DELIVERY MODE
-----------	---------------

02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,064

Applicant(s)

TAKIGUCHI, KIYOAKI

Examiner

DONNIE L. CROSLAND

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32-34,36-45 and 47-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65 and 66 is/are allowed.
- 6) ☒ Claim(s) 30,32-34,36-39,41,45,47-50 and 59-61 is/are rejected.
- 7) ☒ Claim(s) 40, 42-44, 51-58, and 62-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10-17-07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 30, 32, 33, 34, 36-39, 41, 45, 47-50, and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega et al (6275681) in view of Schyndel. Vega shows a communication system with first communication device 105 and second communication device 106 for detecting change in electrification condition of the electrification target 102 (human body 205) and demodulating the information through demodulator 203, see figure 2B.

Vega does not use the term "quasi-electrostatic field".

Schyndel shows a communication system and provides for quasi-static electric fields.

It would have been obvious to one having ordinary skill in the art to provide quasi-static electric fields in the communication system of Vega because the use and advantages of a quasi-static electric field employed in a communication system is taught by Schyndel.

Any advantages seen are those naturally expected to occur due to the quasi-static electric field.

The portability of the device (claims 32, 33, 37, and 48) would not involve patentable invention as evidenced by the use of conventional card reader and tag reader employed in facilities such as at a guard desk or in a banking environment, see portable system in col. 6, lines 4-12 of Vega.

The human body is shown in figure 2B.

With respect to claims 33 and 49, see figure 2B.

With respect to claims 34, 36, modulation is provided in col. 7, lines 41-52 of Vega.

With respect to claim 38, electric power and electric charge are limited with respect to power manager 412; see col. 9, lines 41-67 and col. 10 of Vega.

With respect to claim 39, see "read range" in col. 5, lines 60-67 of Vega.

With respect to claim 41, see storage means as indicated in processor 204 in figure 2B of Schyndel. See electrodes in figure 4 and storage means 410.

With respect to claim 45, see demodulator 203 in figure 2A of Vega.

With respect to claim 47, see antenna in col. 15, lines 24-28 of Vega.

With respect to claim 50, the recited field is dormant based on a distance reads on the device needs to be in proximity of the charger in col. 3, lines 60-67 of Vega.

With respect to claims 59-61, the power supply means reads on power supplied from either reader 101 or charger 104, see col. 4 of Vega. The recited walking of the human body is analogous to access applications for individuals, col. 6, lines 54-67 of Vega.

Allowable Subject Matter

Claims 65 and 66 are allowed.

Claims 40, 42-44, 51-58, and 62-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11-20-07 have been fully considered but they are not persuasive.

The electrification of a human body is shown in figure 2B of Vega.

The detection of a change in the electrification of the human body is shown as the reader 101 as shown in figure 2B.

The human 205 as shown in 2B of Vega inherently has electrification properties and hence meets the claim limitations.

The human being is electrified with respect to the path that consists of current le and capacitor 210 in figure 2B.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

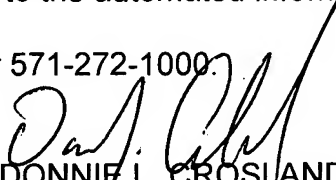
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DONNIE L. CROSLAND** whose telephone number is **571-272-2980**. The examiner can normally be reached on Mon-Thur. 9:30a-6:00p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DANIEL J. WU** can be reached on **571-272-2964**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Application/Control Number:
10/547,064
Art Unit: 2612

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2612

DLC 
1-28-08